

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

X

In re:

MARIE NAZaire AKA
MARIE NAZaire CHATELAIN

Debtor(s)

X

SIRS / MADAMS

Return Date: December 3, 2015
Time: 9:30 a.m.

Chapter 13
Case No.: 815-74090-736

NOTICE OF MOTION

PLEASE TAKE NOTICE, that MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate, will move before the Honorable Robert E. Grossman, United States Bankruptcy Judge on the 3rd day of DECEMBER, 2015 at 9:30 a.m., at the United States Bankruptcy Court located at the Alfonse M. D'Amato U.S. Courthouse, 290 Federal Plaza – Courtroom 860, Central Islip, New York 11722, for an Order pursuant to 11 U.S.C. §§521 & 1307(c), dismissing this case by reason of the debtor(s)' failure to provide and/or file documents, and for such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, shall be filed with the Court and served upon the undersigned no later than three (3) days prior to the return date of this motion.

Dated: Melville, New York
November 16, 2015

Yours, etc.

MICHAEL J. MACCO
Chapter 13 Trustee
135 Pinelawn Road, Suite 120 South
Melville, New York 11747
(631) 549-7900

To: *Office of the United States Trustee*
Marie Nazaire
Ronald D. Weiss, Esq., Attorney for Debtor(s)
Bayview Loan Servicing, LLC, Creditor

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re:

MARIE NAZAIRES AKA
MARIE NAZAIRES CHATELAIN

tmm1634

Chapter 13
Case No.: 815-74090-736

Debtor(s)

APPLICATION

X

TO THE HONORABLE ROBERT E. GROSSMAN, UNITED STATES BANKRUPTCY JUDGE:

MICHAEL J. MACCO, Chapter 13 Trustee in the above captioned estate, respectfully represents as follows:

1. The debtor(s) filed a petition under the provisions of 11 U.S.C. Chapter 13 on September 25, 2015, and thereafter MICHAEL J. MACCO was duly appointed and has qualified as Trustee.

2. As of the date of this motion, the debtor(s) has failed to provide the Trustee with copies of 2013 & 2014 State and Federal Tax Returns; written appraisals for both properties ; copies of 2014 Corporate State and Federal Tax Returns; list of business assets and their fair market value including aging accounts receivable; corporate operating reports with bank statements and proof of tax deposits; an amended Chapter 13 Plan; amended Schedules I & J; utility bills for the month of October including gas/oil, water, telephone, electric, and cable; 2011 through 2014 tax transcripts; bank statements from all other accounts from March 1, 2015 through September 30, 2015 all pages; bank statements from Chase account 4799 from August 27, 2015 through September 30, 2015 all pages; bank statements from Chase account 5056 from September 1, 2015 through September 30, 2015 all pages; proof of post-petition mortgage payments being made on both properties; proof of monthly segregation of income taxes into a separate account; an amended means test; a written assignment of debtor's judgment/tenant action acknowledged by an attorney; and contract of sale on Queens property.

3. This is a material default and is prejudicial to the rights of the creditors of the debtor(s).

WHEREFORE, the Trustee prays for an Order pursuant to the provisions of 11 U.S.C. §§521 & 1307(c), dismissing this case, and for such other and further relief as this Court deems just and proper.

Dated: Melville, New York
November 16, 2015

/s/ Michael J. Macco

Michael J. Macco, Chapter 13 Trustee
135 Pinelawn Road – Suite 120 South
Melville, New York 11747
(631) 549-7900

STATE OF NEW YORK)
COUNTY OF SUFFOLK) ss.:

LONI BRAGIN, being duly sworn, deposes and says: deponent is not a party to this action, is over 18 years of age, and resides in Suffolk County, New York.

On November 16, 2015, deponent served the within:

NOTICE OF MOTION AND APPLICATION

upon the following parties, at the addresses designated by said parties for that purpose, by depositing a true copy of same, enclosed in a post-paid, properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York:

*Office of the United States Trustee
U.S. Bankruptcy Court
Alfonse M. D'Amato U.S. Courthouse
560 Federal Plaza
Central Islip, NY 11722*

*Marie Nazaire
135 Old East Neck Road
Melville, NY 11747*

*Ronald D. Weiss, Esq.
Attorney for Debtor(s)
734 Walt Whitman Road, Ste. 203
Melville, NY 11747*

*Bayview Loan Servicing, LLC
c/o Barclay Damon, LLP
1 Park Place
300 South State Street
Syracuse, NY 13202*

/s/ Loni Bragin
LONI BRAGIN

Sworn to before me this
16th day of NOVEMBER, 2015

/s/ Janine M. Zarrilli
NOTARY PUBLIC
Janine M. Zarrilli
Notary Public, State of New York
No. 01ZA5084708
Qualified in Nassau County
Commission Expires September 8, 2017